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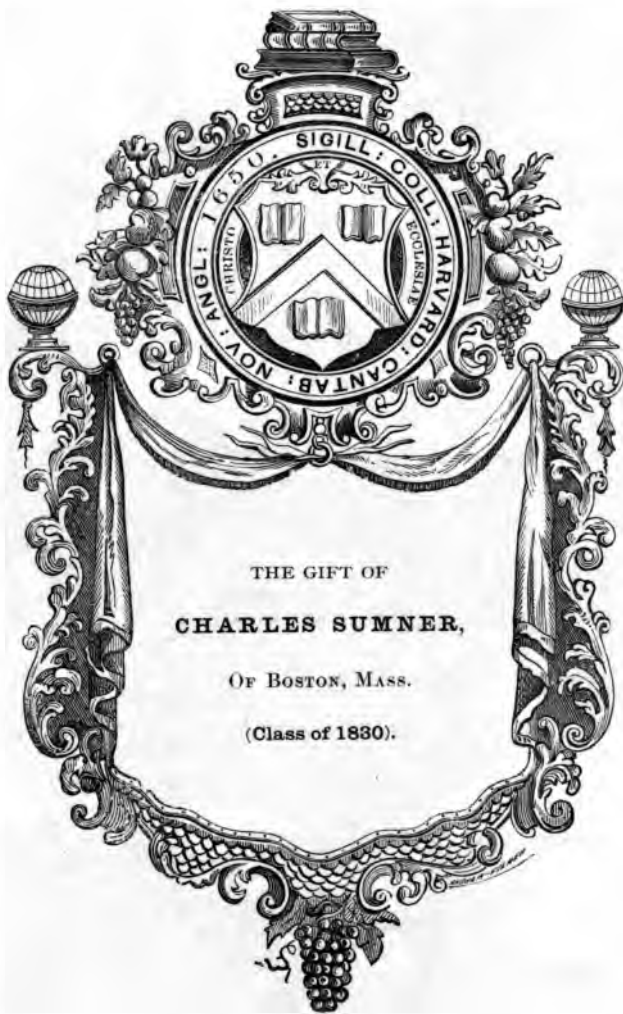
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Mackey - Speech - 1872.



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Mackey, T. J.

S P E E C H

OF

HON. T. J. MACKEY,

JUDGE ELECT OF THE

SIXTH (KU KLUX) CIRCUIT, SOUTH CAROLINA,

DELIVERED AT

UNION C. H., S. C.,

FEBRUARY 5, 1872.

COLUMBIA, S. C.:

CAROLINA PRINTING COMPANY, BOOK AND JOB PRINTERS.

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1872, Aug. 12.

Gift of
Hon. Charles Sumner,
of Boston.
(Feb. 21. 1880.)

S P E E C H.

FELLOW CITIZENS :

Having been invited by the citizens of Unionville, without distinction of party, to address them, I appear here to respond. I shall not mistake the purpose of the invitation, or assume, for an instant, that it was designed as a personal tribute of honor or esteem.

The majority of those who compose this intelligent audience have but little concern for my opinions as an individual, and are not unwilling to accord to me the privilege of entertaining still less for theirs. But as the Judge elect of the Sixth Circuit, and about to enter upon my duties at the gravest conjuncture in your affairs, my views are desired, in order that they may furnish, perchance, some index to my official course.

They shall be given frankly, and I trust within the bounds of a becoming courtesy, which, if overstepped by me on this occasion, it will be because I would rather wound your sensibilities than mislead your judgments.

I am aware that I am obnoxious to those who in great part represent the educated intelligence and social culture of the communities embraced within this my new field of duty. I own that this aversion is natural, but I deny that it is just. As a native South Carolinian, who received the medal of his State for adding somewhat to her martial renown on the fields of Mexico ; and for that service was educated by her bounty at her military school ; and afterwards served for near four years at the front as a Confederate officer, and aided to maintain, in many battles, the accepted theories of his State, I cannot expect a very kindly welcome, when I appear before my white fellow citizens as a Republican, and an ardent advocate of a State and Federal administration, to which they are, by a vast majority, sincerely opposed in their party affiliations.

My vindication, in this respect, I am content to leave to the not far distant future, when, among Carolinians of my race, loyalty to the nation will no longer be regarded as treason to the State.

In the meantime, I shall, as an ex-Confederate officer, hold firmly to the opinion that the course which Longstreet follows, and that Sterling Price approved, cannot be very far from the path of honor.

This, however, I promise you—that the spirit of the partisan shall be quelled in the breast of the Judge. The duties devolved upon me in this emergency require, for their faithful performance, a mind fortified by fre-

quent communion with its Maker. In the discharge of the judicial office, I shall endeavor to act as impartially as if I had no friends, and as fearlessly as if I had no enemy.

In the interest of law and order I invoke the aid of all good citizens. I especially, and with much confidence, appeal to the small farmers and the workingmen of my race to aid me with their counsel, and, if need be, with their strong arms, to preserve the peace in this section, lately the scene of a system of organized crime, so widespread and terrible in its execution as to have placed the white man of South Carolina upon his defense at the bar of an enlightened public opinion throughout the civilized world. It has compelled the armed intervention of the Government of the United States for the protection of one class of American citizens against violence and outrage at the hands of another class, equally bound to render obedience to its laws, and more largely indebted to its magnanimity.

That this intervention was justifiable, who will be bold enough to deny? The nation, whose hand has never been laid upon a loyal citizen, "save in the way of kindness," was wounded through the sides of its friends. Its vessels of war are sent to distant seas, to avenge, at the muzzles of their cannon, a wrong done to one of its humblest citizens in a foreign land, even though the wrong-doer be a powerful empire. How much more quickly, then, should the government intervene to protect its citizens against appalling wrong upon its own soil, especially when it has been made to appear by unimpeached testimony, and "confirmations strong as proofs of Holy Writ," that the victims of the wrong suffered chiefly because of their unbending loyalty to their country.

The masked rider, with his fearful yell, arousing the trembling object of his midnight visit, to writhe under the bullet or the lash, has been justly succeeded by the stern trooper of the United States army, whose presence announced that the Government of the Republic had at last proclaimed to those who murdered and scourged its citizens, "thus far shalt thou go, and no further!"

Arrests of citizens upon mere military orders, themselves a grave violation of the laws of the United States, and only excusable by the still more grave emergency that then existed, soon followed. The prisons were crowded with your fellow citizens, some of whom now occupy cells within the sound of my voice. Many of your men of substance have fled, and now eat the bitter bread of exile. Hundreds of your brave yeomanry—the hard-handed tillers of the soil—are to-day held in arrest, awaiting trial, while others, confessing their guilt, in the presence of overwhelming proofs, in open court, have been transported to a remote prison, by the just sentence of a Judge alike illustrious for his learning and humanity. The most startling fact that presents itself in this cou-

nection is that, with one solitary exception, not very striking, the men thus sentenced wore the garments of honest labor, the jeans clothing that, from the days of Marion and Sumter, down to the present, has been worn by the men who have pressed nearest to the bayonet of the enemy on the day of battle, and have given nearly all its lustre to the name of the South Carolina Volunteer.

These men are unlettered, and have little knowledge of books. They never wrote the burning lines of the Ku Klux ritual or framed the well rounded periods of the constitution that formed its bloody charter. They were badly taught; and they alone, and not their more guilty teachers, have tasted the bitter fruit of that teaching.

With your aid I will endeavor, in the line of my duty, to prevent and to punish the great wrong. To my fellow citizens of the black race, who may have been its chief victims, I say, let your vengeance sleep; give no just cause for offense, and no pretext for armed violence. It is charged against you, in this community—a charge which, in its general application, I do not believe to be true—that you do not regard the white man's rights of property; that some of you have burned his barns, and set fire to his dwelling; that you have slaughtered and appropriated his stock, and stolen his corn and cotton by night, and carried them away. If these things be so, they should be swiftly punished by the courts; and you owe it to the honor of your race to see to it that the criminals among you are quickly brought to justice. It is also charged that you have terrified the families of your white neighbors by armed musters and drills at midnight, accompanied by the firing of guns upon the highways. Whether this was done by you before or after the raiding of the Ku Klux began, has not been shown. This must be so no more. Doubtless His Excellency the Governor, who I know is ready to do his whole duty to all the people of the State, will, on due application, direct the equipment of the proper complement of State National Guards in the respective Counties of this Circuit. These will be composed, I have no doubt, of both white and colored companies, under the command of discreet and fearless officers, and will be mustered and drilled at stated periods, and will be held to a strict accountability, through courts martial, for all violations of the orders of the Commander-in-Chief. You will not need again to bear arms at night. The laboring man, who lies down to rest in the peace of the State, shall not again be made afraid or have his sleep broken by the fear of the lash. Though the roof that shelters him may be open to the rain, and though the winds may blow freely between the rude logs of his cabin, still it must be held sacred from intrusion, because it is, however humble, the castle of an American citizen, and no man shall violate it, or oppress his person there, with impunity. If crimes are committed, the judicial officers shall issue their war-

rants to arrest the criminals. If legal process is resisted with arms, the Sheriff shall summon the *posse* of white and colored citizens, to promptly overcome that resistance, at all hazards. If this fails—and I believe that, if well directed, it cannot fail—the Governor will order a strong force of militia into the County, to aid in executing the law, and if they should be driven back, then, and not until then, will the aid of the United States forces be invoked, and they will be called on only to reinforce the military arm of the State, and not to supersede it.

I have thus, fellow citizens, given you my views frankly and unreservedly. They may be somewhat modified, as to past events, by facts unfolded in the future; but the principles on which those views are founded, I shall never change. It is said, that that child remembers his mother most tenderly who knew her in the days of her youthful beauty, or in the bloom of her early womanhood, before time or sorrow had marred the lines of her comely and never-forgotten face. With a feeling kindred to this do I recall the past glories of my State, and the period of her brightest material prosperity, before her hearthstones had been broken, and her fields furrowed by the red ploughshare of war.

Since then the brightest blades of her chivalry have been broken on the shield of their country; thousands of her true hearted and gallant sons sleep in nameless, though still remembered graves. In the name of liberty, we struck in the cause of slavery! Let us, however, turn our faces away from the past, cherishing only the lesson that it teaches and the memory of the dead who hallow it.

I am satisfied that your ancient prosperity will return, and with tenfold increase, under the new and better system.

On one of the majestic prairies of the great West there is a river, along whose bright stream and beautiful banks the emigrant travels for fifty miles, when, to his astonishment, it suddenly loses itself in the sand, and is not seen again for many a day's march beyond the spot where it became lost to view. It, however, re-appears, and rolls its welcome waters onward through the plain in a broader and a deeper volume. Thus may it be with our State. The sources of her industrial wealth, and the means of diffusing happiness among her whole people, although temporarily hidden from sight, still exist, and are even now re-appearing. Let us utilize them, and not chain ourselves to the decaying corpse of a dead and gone policy. The man who supposes that there will be any popular re-action in the States of the North sufficient to upheave or change the cardinal principles of the present political system, is simply imitating the boy who waits for the sky to fall, that he may catch larks.

He resembles the stubborn traveler who refused, years ago, to pay ferriage on the Mississippi, and halted on the bank with his team to wait

until the river ran by. He may yet be there, waiting hopefully, but the mighty river still rolls its ever-increasing waters to the Gulf.

If I can, by any legitimate means, aid in bringing the two races into harmony in this section, one of my proudest aspirations will be realized. They have already a common hope and a common interest in the State, and only need to be welded together by a common faith.

For myself, I desire to say that the innocent man, however poor and humble, shall never want a counsellor or a friend in the Court where I preside; and no citizen, however high his degree in the social scale, or however fierce his political partisanship against me, shall ever be able to declare with truth that I have done him an intentional wrong, or that I have been that moral monster—an unjust Judge.

To my colored fellow citizens I would further say, I am sensible of the fact that my coming here, as the Judge of the Sixth Circuit, has inspired you with expectations that are very gratifying to me as an evidence of confidence on the part of the race to which I chiefly owe my elevation to the bench. That confidence I shall not betray, for gratitude and honor alike impel me to merit it. Both officially and personally, I shall take the deepest interest in your welfare, as well as that of the laborer of my own race. The law shall be administered in mercy, and the scales of justice shall be held with even balance, whether the cause to be weighed be that of the white man or the black. This, I know, is all that you will ask of me; and this you have a right to demand.

Fellow citizens, in conclusion, I thank you for the courteous attention that you have given to language that you are not accustomed to hear, and which might, if my motive were misunderstood, arouse in many of you a spirit of resentment.

“Let us have peace,” was the noble sentiment of the GREAT SOLDIER, who is now the Chief Magistrate of our country, as he was about to lay aside his victorious sword, to become the first citizen of the Republic. The sentiment that he uttered then, he means now. He is your friend, and desires earnestly to see all American citizens in South Carolina dwell together as brethren, under the shelter of a common mansion. For you the path of duty is the only path of peace and safety.

For every man there should be a place of repose between the cradle and the grave, and this people need rest from the strife that has fretted and convulsed them so long.

If I can hasten the return of harmony among you, and contribute to the establishment of an enduring peace in this section, then will my dearest wish have been accomplished. That I may effectually do this, I ask your confidence, and assure you from my heart that I will earnestly endeavor to deserve it.



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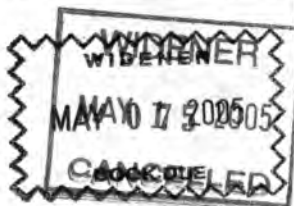
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